

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ATIPANA CREDIT OPPORTUNITY
FUND I, LP,

NOTICE OF REMOVAL

Plaintiff,

-- against --

PRO SOURCE SERVICES, INC., VENTURE
ELECTRICAL CONTRACTORS, INC.,
SMALLS ELECTRICAL SERVICES
CORP., MARY MCDERMOTT, AND JOHN
MCDERMOTT,

Defendants.

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PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, the Defendants – Pro Source Services, Inc., Venture Electrical Contractors, Inc., Smalls Electrical Services Corp., Mary McDermott, and John McDermot– by and through their attorneys, hereby remove this action to the United States District Court for the Eastern District of New York.

Defendants respectfully state the following grounds for removing this action:

1. Pro Source Services, Inc., Venture Electrical Contractors, Inc., Smalls Electrical Services Corp., Mary McDermott, and John McDermot are defendants in a civil action entitled *Atipana Credit Opportunity Fund I, LP v. Pro Source Services, Inc. et al.*, (“State Court Action”) filed by Atipana Credit Opportunity Fund I, LP (“Plaintiff”) under Index Number No. 621825/2024 in Nassau County Supreme Court. Atipana Credit Opportunity Fund I, LP states that it does business as “Fundr” with a principal place of business at 43 W. 23rd Street, New York, NY 10010.
2. Upon information and belief, Plaintiff is a citizen of New York.
3. Defendants are all citizens of the state of Florida

4. Plaintiff filed the complaint in the State Court Action on December 8, 2024. Plaintiff has submitted affidavits stated it completed service on Defendants on the following dates: Pro Source Services, Inc. (December 13, 2024), Venture Electrical Contractors, Inc. (December 13, 2024), Smalls Electrical Services Corp. (December 13, 2024), Mary Mcdermott (December 11, 2024), John Mcdermott (December 12, 2024).

5. Plaintiff seeks \$97,460.00 plus statutory interest from November 17, 2023, costs, and disbursements upon all causes of action.

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1332 because the parties are completely diverse and the amount in controversy exceeds \$75,000.

7. Pursuant to 28 U.S.C. § 1446(b)(1), this removal of the action is within 30 days after the receipt of the summons and complaint by the defendants and therefore timely.

8. Pursuant to 28 U.S.C. § 1446(d), Defendants will promptly give written notice of the removal to federal court of the State Court Action to Plaintiff.

9. This Notice of Removal to Plaintiff's counsel of record and will file a copy of this Notice of Removal with the clerk of the state court in which the State Court Action is pending.

10. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, a jury trial is demanded on all issues so triable.

WHEREFORE, Defendants request that this civil action be removed from Nassau County Supreme Court to the United States District Court for Eastern District of New York.

Dated: Long Island City, NY
January 13, 2025

/s/ David Kasell
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